

## § 13.1

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AUTHORITY: 27 U.S.C. 205(e), 26 U.S.C. 5301 and 7805.

SOURCE: T.D. ATF-406, 64 FR 2129, Jan. 13, 1999, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 13 appear by T.D. ATF-449, 66 FR 19085, Apr. 13, 2001.

### Subpart A—Scope and Construction of Regulations

#### § 13.1 Scope of part.

The regulations in this part govern the procedure and practice in connection with the issuance, denial, and revocation of certificates of label ap-

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proval, certificates of exemption from label approval, and distinctive liquor bottle approvals under 27 U.S.C. 205(e) and 26 U.S.C. 5301. The regulations in this part also provide for appeal procedures when applications for label approval, exemptions from label approval, or distinctive liquor bottle approvals are denied, when such applications are approved with qualifications, or when these applications are approved and then subsequently revoked. The appeal process in this part does not apply to organic claims on alcohol beverage labels. See § 13.101.

[T.D. ATF-406, 64 FR 2129, Jan. 13, 1999, as amended by T.D. ATF-483, 67 FR 62858, Oct. 8, 2002 ]

#### § 13.2 Delegations of the Administrator.

The regulatory authorities of the Administrator contained in this part are delegated to appropriate TTB officers. These TTB officers are specified in TTB Order 1135.13, Delegation of the Administrator's Authorities in 27 CFR Part 13, Labeling Proceedings. You may obtain a copy of this order by accessing the TTB Web site (<http://www.ttb.gov>) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 1516, Cincinnati, OH 45202.

[T.D. TTB-44, 71 FR 16924, Apr. 4, 2006]

#### § 13.3 Related regulations.

The following regulations also relate to this part:

- 7 CFR Part 205—National Organic Program
- 27 CFR Part 1—Basic Permit Requirements Under the Federal Alcohol Administration Act, Nonindustrial Use of Distilled Spirits and Wine, Bulk Sales and Bottling of Distilled Spirits
- 27 CFR Part 4—Labeling and Advertising of Wine
- 27 CFR Part 5—Labeling and Advertising of Distilled Spirits
- 27 CFR Part 7—Labeling and Advertising of Malt Beverages
- 27 CFR Part 9—American Viticultural Areas
- 27 CFR Part 12—Foreign Nongeneric Names of Geographic Significance Used in the Designation of Wines
- 27 CFR Part 16—Alcoholic Beverage Health Warning Statement
- 27 CFR Part 19—Distilled Spirits Plants
- 27 CFR Part 24—Wine

27 CFR Part 25—Beer  
 27 CFR Part 26—Liquors and Articles from  
 Puerto Rico and the Virgin Islands  
 27 CFR Part 27—Importation of Distilled  
 Spirits, Wines, and Beer  
 27 CFR 28—Exportation of Alcohol  
 27 CFR Part 71—Rules of Practice in Permit  
 Proceedings

[T.D. ATF-483, 67 FR 62858, Oct. 8, 2002, as  
 amended by T.D. TTB-8, 69 FR 3829, Jan. 27,  
 2004]

### Subpart B—Definitions

#### § 13.11 Meaning of terms.

Where used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this subpart. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms “include” and “including” do not exclude things not enumerated that are in the same general class.

*Act.* The Federal Alcohol Administration Act.

*Administrator.* The Administrator, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, Washington, DC.

*Applicant.* The permittee or brewer whose name, address, and basic permit number, or plant registry number, appears on an unapproved Form 5100.31, application for a certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval.

*Appropriate TTB officer.* An officer or employee of the Alcohol and Tobacco Tax and Trade Bureau (TTB) authorized to perform any functions relating to the administration or enforcement of this part by TTB Order 1135.13, Delegation of the Administrator's Authorities in 27 CFR Part 13, Labeling Proceedings.

*Brewer.* Any person who brews beer (except a person who produces only beer exempt from tax under 26 U.S.C. 5053(e)) and any person who produces beer for sale.

*Certificate holder.* The permittee or brewer whose name, address, and basic permit number, or plant registry number, appears on an approved Form

5100.31, certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval.

*Certificate of exemption from label approval.* A certificate issued on Form 5100.31 which authorizes the bottling of wine or distilled spirits, under the condition that the product will under no circumstances be sold, offered for sale, shipped, delivered for shipment, or otherwise introduced by the applicant, directly or indirectly, into interstate or foreign commerce.

*Certificate of label approval.* A certificate issued on Form 5100.31 that authorizes the bottling or packing of wine, distilled spirits, or malt beverages, or the removal of bottled wine, distilled spirits, or malt beverages from customs custody for introduction into commerce, as long as the project bears labels identical to the labels affixed to the face of the certificate, or labels with changes authorized by the certificate.

*Distilled spirits.* Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whisky, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof for nonindustrial use. The term “distilled spirits” does not include mixtures containing wine, bottled at 48 degrees of proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

*Distinctive liquor bottle.* A liquor bottle of distinctive shape or design.

*Distinctive liquor bottle approval.* Approval issued on Form 5100.31 that authorizes the bottling of distilled spirits, or the removal of bottled distilled spirits from customs custody for introduction into commerce, as long as the bottle is identical to the photograph affixed to the face of the form.

*Interstate or foreign commerce.* Commerce between any State and any place outside that State, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside that State.

*Liquor bottle.* A bottle made of glass or earthenware, or of other suitable material approved by the Food and Drug Administration, which has been designed or is intended for use as a container for distilled spirits for sale for